



To: cr_board_clerk Clerk Recorder/ClerkRec/COSLO@Wings,
Cc:
Bcc:
Subject: Fw: Blacklake Authorization Hearing -- Item 23 on August 11, 2015 Supervisors Meeting Agenda
From: Annette Ramirez/ClerkRec/COSLO - Thursday 08/06/2015 12:36 PM

Annette Ramirez | Deputy Clerk-Recorder | San Luis Obispo County Clerk-Recorder

Telephone: () | Website: www.SLOvote.com
www.facebook.com/slocountyclerkrec | www.twitter.com/slocountyclerk
----- Forwarded by Annette Ramirez/ClerkRec/COSLO on 08/06/2015 12:36 PM -----

From: Stephanie Fuhs/Planning/COSLO
To: Catrina Christensen/ClerkRec/COSLO@Wings, Annette Ramirez/ClerkRec/COSLO@Wings
Date: 08/04/2015 05:05 PM
Subject: Fw: Blacklake Authorization Hearing -- Item 23 on August 11, 2015 Supervisors Meeting Agenda

Hi,
Attached please find correspondence received for Item 23 for next week's agenda. Thank you.

Stephanie Fuhs
Planner
County of San Luis Obispo

email: sfuhs@co.slo.ca.us
website: sloplanning.org
----- Forwarded by Stephanie Fuhs/Planning/COSLO on 08/04/2015 05:03 PM -----

From: Noel Heal <noelheal@gmail.com>
To: sfuhs@co.slo.ca.us
Date: 08/04/2015 04:57 PM
Subject: Blacklake Authorization Hearing -- Item 23 on August 11, 2015 Supervisors Meeting Agenda

Dear Ms. Fuhs:

Attached is a letter from me for inclusion with the correspondence packet for this agenda item in the August 11, 2015 meeting of the Supervisors.

If there is no correspondence packet for this matter, could you please forward a copy of my letter to each of the supervisors.

Thank you. -- Noel

Noel Heal



Black Lake homeowner Letter to SLO County Supervisors 08-04-15.pdf

Noel F. Heal

August 4, 2015

Supervisors of San Luis Obispo County
c/o Ms. Stephanie Fuhs, Planner
County of San Luis Obispo

Re: **Item 23 Aug. 11, 2015 Agenda – Continued Blacklake Authorization Hearing**

Dear Supervisors:

My name is Noel Heal and I have been a homeowner in the Legends development of the Black Lake community since 1999.

This letter is not about the merits of the applicant's pending request for authorization to process his request to amend the Black Lake Specific Plan. Rather my concerns relate to the process involved in this authorization hearing because the process, at least in this case, seems to work largely in favor of the applicant, and to the detriment of Black Lake homeowners.

First, one cannot help noticing that the General Application, Amendment Application, and Environmental Description Form submitted to the county are incomplete or deficient in a number of important respects. Apart from the obvious lack of a date and legible signature in the owner's Legal Declaration, the following two deficiencies would seem to be critical:

1. The owner alleges in at least three instances that he has a "will-serve letter" from the Nipomo Community Services District (NCSD), when in fact the NCSD issued five "intent-to-serve" letters, each of which bears the stamped legend, **"This is not a will-serve letter."** This was pointed out by others at the March 24 hearing.
2. The owner answered "No" to the question: Are there any proposed or existing deed restrictions? Surely the Black Lake CC&Rs and the Black Lake Specific Plan impose deed restrictions of the type covered by this question.

Perhaps these and other discrepancies in the application paperwork could have been corrected, and may yet be corrected, but they have not been corrected in the more than six months that have elapsed since the application was filed, or at least have not been corrected in any way that is visible to the public. It appears that the applicant has suffered no penalty, or indeed any consequence at all, from filing an incomplete and arguably misleading application.

The applicant has previously requested and been granted two continuations of this authorization hearing and is now requesting a third continuation. Nobody objected to the

first continuation because I think everyone believed that it was the fair thing to do – to give all of the parties, including the applicant, the homeowners' association board of directors, and the Board of Supervisors staff, time to reconsider the impact of the Black Lake CC&Rs and the Black Lake Specific Plan. The second request for a continuation was granted unanimously by this Board and there was a complete absence of public comment. One can only speculate as to the reasons there was no public comment but it is undeniable that no mechanism exists to inform the public of their right to comment when an applicant requests a delay. Almost everyone at Black Lake assumed, or had been led to believe, that the second continuation had already been granted. This was not true, of course, and one can only hope that the public has learned its lesson.

Now that the applicant is asking for a third continuation of this authorization hearing, I for one believe that this is the time for the Board of Supervisors to take a hard look at the reasons for this request for further delay. The homeowners' association (HoA), and the homeowners themselves, have patiently listened to successive nebulous development plans put forward by Mr. Rossi. When a group of homeowners points out the undesirable consequences of a plan, Mr. Rossi goes away and comes back weeks, or sometimes months, later with another very nebulous plan. Homeowner questions are deftly avoided with more than a few "we don't know" answers, or "there'll be time for that when we get to the planning stage." We are currently on version C or D. On each cycle, Mr. Rossi tells the County Planning staff (privately, it seems) that more time is needed because he is making progress with his "outreach" to the community of homeowners.

Mr. Rossi has apparently convinced the Nipomo Community Services District (NCSD) that he is "actively pursuing" his plan with the County. NCSD Intent-to-Serve letters normally expire automatically 240 days from the date they were issued. Therefore, the Rossi Intent-to-Serve letters should have expired on June 18, 2015, but for the fact that the NCSD has a practice of treating "complex" applications for water service differently, so long as the applicant is actively pursuing his project with the County.¹ In effect, then, the NCSD grants informal extensions of time for these "complex" applications, even though the NCSD's own ordinances² do not provide for such special treatment and do not seem to give the general manager discretion to bend the rules for "complex" cases.

¹ In an email response to a request for the status of the five Rossi Intent-to-Serve letters, Mr. Michael LeBrun, General Manager, NCSD, stated, in part:

All District Intent to Serve letters include a 240 day expiration limit that is linked to the applicant completing the County development application process. This expiration condition serves to insure an application is being actively pursued with the County. In many of the more complex applications, the County application process takes considerably more time to resolve to a status of 'complete application'. In these cases, as long as the applicant is actively pursuing their project with the County, our Intent to Serve letters remain active and viable.

² NCSD Ordinance 3.05.070 - Application for intent-to-serve letters, will-serve letters and termination.

B. Termination: Intent-to-serve letters shall automatically terminate as follows:

1. Failure of the applicant to provide district with written verification, within two hundred forty calendar days from the date the intent-to-serve letter is issued, that the county has deemed the project application to be complete.

The odd aspect of these almost automatic extensions of time is that an applicant has only to tell the water purveyor (in a non-public setting) that he is “actively pursuing” his application with the county, and then tell the county officials (again in a non-public setting) that he is making significant progress in discussing relevant issues with homeowners by his continued “outreach” to the community. In this way an applicant can stretch out the authorization hearing over many months, with little or no opportunity for public input to the process.

This cycle of practically automatic extensions of time has been going on against the backdrop of one critical question: How can one reconcile any development plan with the long-standing CC&Rs’ prohibition of building on the golf course, and the Black Lake Specific Plan’s insistence on an open-space easement for the golf course? Our HoA Board of Directors tells us that it has received unequivocal legal opinions to the effect that any of the Rossi plan versions would be in violation of the CC&Rs and the Black Lake Specific Plan; yet Mr. Rossi keeps the cycle of delays going on and on. To what end, someone should ask.

Some have predicted dire consequences if Mr. Rossi is not allowed to proceed with some version of his plans, and others have pointed out the equally dire consequences that may follow if he is allowed to proceed. Now it is becoming more apparent to at least some homeowners that stretching out this proceeding almost endlessly is creating an atmosphere of uncertainty and fear that may be just as bad as, or even worse than, either of the two obvious choices that the Board has. Continuing this agenda item for another period of months can only increase the mood of fear and financial uncertainty in the community. Continuing the agenda item “off-calendar,” would arguably be the very worst possible decision the Board could make because it would put all Black Lake properties in a state of limbo for an indeterminate time, with 555 homeowners, who are mostly retirees, subject to the whims of a single property owner.

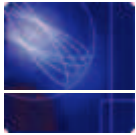
Therefore, I respectfully urge the Board to deny Mr. Rossi’s request for authorization to process an application to amend the Black Lake Specific Plan, and to deny his request for a further continuation of this hearing. His Intent-to-Serve letters have already automatically expired on June 18, or should have expired if the NCSD had not “informally” extended them, and he has made no visible effort to complete his application before the county. There is, of course, nothing to prevent Mr. Rossi from re-applying at a later time, if he wishes, but it seems to me that his time has run out on the present application and he should not be afforded any further special treatment to keep his application alive for a purpose not yet disclosed to the hapless homeowners of Black Lake.

Thank you for your time and consideration.

Noel Heal

Transmitted by email

Page 3



To: cr_board_clerk Clerk Recorder/ClerkRec/COSLO@Wings,
Cc:
Bcc:
Subject: Fw: Blacklake Golf Resort, LLC (Rossi) Hearing of August 11, 2015
From: Annette Ramirez/ClerkRec/COSLO - Thursday 08/06/2015 12:36 PM

Annette Ramirez | Deputy Clerk-Recorder | San Luis Obispo County Clerk-Recorder

| Website: www.SLOvote.com

www.facebook.com/slocountyclerkrec | www.twitter.com/slocountyclerk

----- Forwarded by Annette Ramirez/ClerkRec/COSLO on 08/06/2015 12:36 PM -----

From: Stephanie Fuhs/Planning/COSLO
To: Catrina Christensen/ClerkRec/COSLO@Wings, Annette Ramirez/ClerkRec/COSLO@Wings
Date: 08/05/2015 09:46 AM
Subject: Fw: Blacklake Golf Resort, LLC (Rossi) Hearing of August 11, 2015

Hi,
Here's is some additional correspondence received. Let me know if there are questions, thank you.



Dorothy letter to Compton.docx(This is the letter being referred to in the e-mail below).

Stephanie Fuhs
Planner
County of San Luis Obispo

email: sfuhs@co.slo.ca.us

website: sloplanning.org

----- Forwarded by Stephanie Fuhs/Planning/COSLO on 08/05/2015 09:44 AM -----

From: anne <annebirds@gmail.com>
To: sfuhs@co.slo.ca.us, lcompton@co.slo.ca.us
Cc: Dorothy De Santis <centralcoastdds@outlook.com>
Date: 08/05/2015 09:16 AM
Subject: Blacklake Golf Resort, LLC (Rossi) Hearing of August 11, 2015

Dear Ms. Compton and Ms. Fuhs,
I am a homeowner at Blacklake. This morning I read a letter written to you by Dorothy De Santis, another homeowner. I am including the text of her letter, below.

I am in complete agreement with Ms. DeSantis, as are a very large group of Blacklake homeowners.

We want to make absolutely sure that you are aware that at all the open Blacklake Board of Directors meetings, the only views expressed by homeowners have been AGAINST development by Mr. Rossi on the golf course fairways.

No one has ever, to our knowlege, told our BOD that we are willing to compromise on this point.

As Dorothy stated, and as our own BOD has acknowledged, there is virtually no likelihood of getting the CCR's amended by homeowner vote.

I just want to be sure that you are aware of this, and that you are not being misled by anyone into thinking that Blacklake homeowners are in favor of development on the golf course fairways.

Thank you,
Anne Kunzig

Supervisor Lynn Compton
jbrennan@co.slo.ca.us

County Government Center
San Luis Obispo, CA 93408

Re: Blacklake Golf Resort, LLC (Rossi) Hearing of August 11, 2015

Dear Supervisor Compton,

I understand from my recent correspondence with Stephanie Fuhs, Project Planning, that at the August 11th scheduled hearing for the above mentioned, the Board of Supervisors will entertain Mr Rossi's request to again postpone the hearing to amend the Specific Plan for Black Lake Village until a date available in October. I wish to give you a perspective from a homeowner not connected to any of our governing boards or committees.

The August 11th hearing is a result of the March 24th hearing being postponed due to the question of our CC&R restrictions against building of any kind on the golf course. You asked that Mr Rossi work with the community to further resolve this issue--- which we all appreciate. Since that initial hearing, at which 8 of the 9 public speakers were against the project, we the community have seen Mr Rossi just once.

If you will recall as you were graciously in attendance, on May 19th Mr Rossi and his team gave a very poorly presented revised project proposal which changed all of the building to commercial properties. His contention was that our CC&Rs did not prohibit commercial development on the golf course. Our attorneys disagree with this opinion.

Repeated questions regarding the plan, including how the lay out of the golf course would look, were answered with, "We don't know yet," and "We are working on it." It was so nebulous that many (I counted 160 in attendance) left before the conclusion which was less than comforting and, well, futile. Mr Rossi repeated several times that he was willing to give away the golf course for free.

Since that time, Mr Rossi has met an undisclosed number of times with the Ad Hoc Committee and the BLMA board in closed sessions. We have been given committee updates on three occasions and the latest, dated July 14th, mentions that Mr Rossi has not yet presented an "Acceptable" plan and there has been nothing presented in formal form, just verbal descriptions of three other proposals.

We have not seen nor heard from Mr Rossi since May 19th.

I find it disconcerting that the homeowners have not been asked over the past year what they would find "acceptable".

A growing number of homeowners feel that no negotiations should be taking place. Mr Rossi made a poor investment by failing to do his due diligence and reviewing the CC&Rs with legal counsel.

This is not our problem, this is his problem.

Many purchased their homes at Black Lake Village for the attributes which will be destroyed by any of his proposals; open space, low crime, low traffic, a viable golf course, and peace and quiet. And, because his initial 2006 plans were not disclosed to new buyers, they have been blind-sided by these revelations.

His constant threat to "close the golf course" or "pay off the debt and leave it" are considered scare tactics as our CC&Rs even protect us from the lack of continual maintenance of the golf course. (Article VII, Section 2, (b)) This has not been emphasized by our representatives, further perpetuating the tactic.

I urge you and your fellow Supervisors to not continue this game of prolonged uncertainty. Homes currently selling in our area are taking an inordinate amount of time and selling at drastically reduced prices while homes at Trilogy have increased by \$30,000 in the same period. One home sold and fell

through 3 times; disclosures regarding the potential development are provided in escrow. At this point, no one knows if there could possibly be another structure adjacent to your yard, time shares across the street, a hotel within 25 feet of your property, or a shortened and less desirable golf course-----or none at all.

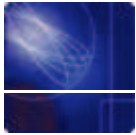
This will result in adjusted property valuations and reduced property taxes.

Whatever proposal he presents, if it involves construction on the golf course, a positive vote of 75% of the association members and their first mortgage holders is necessary--- per our CC&Rs. (Article XV, Section 6)

I hope you will take the above into consideration, not only for the August 11th hearing postponement but for all future requests by Mr Rossi. The limbo of this situation is financially crippling, tearing our community apart, and unjustified.

Respectfully,

Dorothy De Santis



To: cr_board_clerk Clerk Recorder/ClerkRec/COSLO@Wings,
Cc:
Bcc:
Subject: Fw: Blacklake Golf Resort LLC Hearing of August 11, 2015
From: Annette Ramirez/ClerkRec/COSLO - Thursday 08/06/2015 12:37 PM

Annette Ramirez | Deputy Clerk-Recorder | San Luis Obispo County Clerk-Recorder

Website: www.SLOvote.com

www.facebook.com/slocountyclerkrec | www.twitter.com/slocountyclerk
----- Forwarded by Annette Ramirez/ClerkRec/COSLO on 08/06/2015 12:37 PM -----

From: Stephanie Fuhs/Planning/COSLO
To: Catrina Christensen/ClerkRec/COSLO@Wings, Annette Ramirez/ClerkRec/COSLO@Wings
Cc: jamie@kirk-consulting.net
Date: 08/06/2015 10:17 AM
Subject: Fw: Blacklake Golf Resort LLC Hearing of August 11, 2015

Hi,
Additional correspondence received on Blacklake.

Stephanie Fuhs
Planner
County of San Luis Obispo

email: sfuhs@co.slo.ca.us
website: sloplanning.org
----- Forwarded by Stephanie Fuhs/Planning/COSLO on 08/06/2015 10:17 AM -----

From: anne <annebirds@gmail.com>
To: sfuhs@co.slo.ca.us, lcompton@co.slo.ca.us
Date: 08/06/2015 08:51 AM
Subject: Blacklake Golf Resort LLC Hearing of August 11, 2015

Good morning,

My name is Anne Kunzig, and I am a resident of Blacklake. I've corresponded with you recently and appreciate very much your including me in the emails regarding this matter.

I will not be able to attend the BOS hearing on August 11th, so wanted to submit one comment in writing prior to the hearing.

In the Memo from Ms. Fuhs to the Board regarding continuance of the August 11 hearing, it was noted in paragraph 4 of the Discussion section that "Since the March 24th meeting, the applicant has met with property owners to develop a project that removes the residential component and focuses on commercial development and a possible retirement village."

I just wanted to point out that if this is what Mr. Rossi has told the Board, it is not correct. Mr. Rossi's current development proposal actually

includes a very dense section of residential homes on two of the golf course fairways, Canyons 2 and Canyons 5. He has proposed building 57 single family homes, directly across the street from the Legends subassociation. Please note that the Legends neighborhood is the only age restricted section of Blacklake, and homeowners in that section bought there specifically to ensure a quiet atmosphere.

I recognize that the Board is not making a determination on Mr. Rossi's proposal at this time. However, I wanted to be sure that you are all in possession of current facts.

Thank you,
Anne Kunzig